

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

STEVEN ERIC MAGERS,	§	
#2075676,	§	
	§	
Petitioner,	§	
	§	
v.	§	Case No. 6:22-cv-488-JDK-JDL
	§	
UNITED STATES OF AMERICA,	§	
	§	
Respondent.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Petitioner Steven Eric Magers, an inmate proceeding *pro se*, filed two federal petitions for writ of habeas corpus to challenge the calculation of his federal sentence, which were both transferred to this Court for proper venue and subsequently consolidated. The matter was referred to United States Magistrate Judge John D. Love, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On October 2, 2024, Judge Love issued a Report recommending that relief be denied and the case be dismissed without prejudice as premature because Petitioner has not yet moved from state custody to federal custody where the Bureau of Prisons will calculate his federal sentence. Docket No. 26. No timely objections were filed.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire


record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Petitioner did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 26) as the findings of this Court. Petitioner's petition for habeas corpus is hereby **DISMISSED** without prejudice. All pending motions are **DENIED** as **MOOT**.

The Clerk of Court shall file a copy of this Order in Case No. 6:23-cv-00051.

So **ORDERED** and **SIGNED** this 18th day of November, 2024.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE